

INTERNATIONAL PLANT PROTECTION CONVENTION

PROCEDURES FOR DISPUTE SETTLEMENT

General Considerations

1. The terms *dispute settlement* and *resolution of disputes* as used in the Convention are considered to be equivalent terms referring to the same procedures.
2. The promotion of technical assistance provided for in Article XX applies to dispute settlement as it applies to other provisions of the Convention.
3. Dispute settlement procedures of the IPPC are limited to issues falling within the scope of the Convention and its associated standards and complement the WTO processes by providing options for dispute settlement procedures for phytosanitary issues affecting trade. IPPC procedures are primarily aimed at evaluating the technical aspects of phytosanitary disputes. Contracting parties are encouraged to resolve disputes at a technical level wherever possible.
4. Only contracting parties have the right to initiate the dispute settlement procedures under Article XIII. Disputes may be between two or more contracting parties.
5. Requests for dispute settlement and the distribution of reports should be through of ficial IPPC contact points. If contracting parties wish to undertake a dispute settlement procedure under the IPPC, then it is mandatory that parties first consult (Article XIII.1).
6. Art XIII does not preclude contracting parties from using any form of dispute resolution, including mediation or other procedures provided that the parties agree to them, and does not limit the contracting parties to the Expert Committee procedures described in Article XIII.2. Contracting parties are encouraged to consult with the IPPC Secretariat or others concerning the range of dispute settlement procedures that may be appropriate for the dispute in question.

Options include but are not limited to:

Consultation, Good Offices, mediation, or arbitration - Contracting parties are encouraged to pursue options such as Good Offices and mediation as alternatives to the Expert Committee procedure provided in Article XIII. These procedures may be conducted or administered with assistance from the IPPC Secretariat and/or a Subsidiary Body designated by the ICPM.

Supplementary Agreements - Dispute settlement procedures may be agreed under Article XVI (Supplementary Agreements). Such procedures may be binding, but are only binding for the parties to the agreement.